

# Notice of Allowability

Application No.

10/500,175

Applicant(s)

MATSUMOTO ET AL.

Examiner

Gyan Chandra

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments of claim filed on 11/28/2007.
2. ☒ The allowed claim(s) is/are 22 and 24-26 (renumbered as 1-4, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8/27/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Dwight D. Kim on 1/14/2008.

The application has been amended as follows:

Claims 1-21, 23 and 27 are canceled.

In claim 22

Replace "adipose gain inhibition or feeding inhibition" with "or adipose gain inhibition"

Insert "in need thereof" after the word "mammal"

Replace "parental" with "parenteral"

Replace "containing" with "comprising"

Replace "said administration" with "said administering"

In claim 24

Insert "in need thereof" after the word "mammal"

Insert ", wherein said administering is parenteral administration" after the word "thereof"

Replace "containing" with "comprising"

In claim 25

Insert "in need thereof" after the word "mammal"

Insert ", wherein said administering is parenteral administration" after the word  
"thereof"

Replace "containing" with "comprising"

In claim 26

Insert "in need thereof" after the word "mammal"

Insert ", wherein said administering is parenteral administration" after the word  
"thereof"

Replace "containing" with "comprising"

### **Amendments of the Specification**

Brief Description of the Drawings is amended as the following:

Replace "FIG. 1 shows" on page 5 with "Figures 1A-B show"

Replace FIG. 23 shows" on page 7 with "Figures 23A- C show"

In FIG. 6, line 2; insert "(SEQ ID NO: 41)" after the word "protein" on page 5

In FIG. 7, line 2, insert "(SEQ ID NO: 55)" after the word "protein" on page 5

In FIG. 8, line 2, insert "(SEQ ID NO: 72)" after the word "protein" on page 5

In FIG. 9, line 2, insert "(SEQ ID NO: 90)" after the word "protein" on page 6

On page 31, line 3: replace Trademark "Mutan" with "MUTAN"

On page 33, line 9: replace Trademark "High Five" with "HIGH FIVE"

On page 35, line 29: replace Trademark "Triton" with "TRITON"

On page 43, line 6: replace Trademark "Polysorbate" with "POLYSORBATE"

On page 49, line 30: replace Trademark "Tween" with "TWEEN"

On page 61, line 30: replace Trademark "Polysorbate" with "POLYSORBATE"

On page 100, line 11: replace Trademark "Script" with "SCRIPT"

On page 162, line 3: replace Trademark "Script" with "SCRIPT"

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gyan Chandra whose telephone number is (571) 272-2922. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gyan Chandra, Ph.D.  
Art Unit 1646  
15 January 2008  
Fax: 571-273-2922

  
ROBERT S. LANDSMAN, PH.D.  
PRIMARY EXAMINER